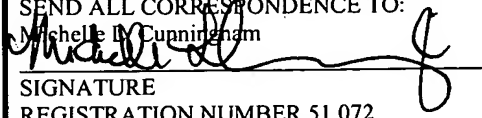
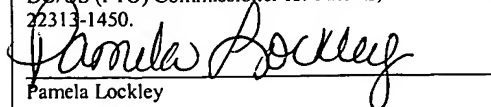


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|---|--|---|--|--|--|
| FORM PTO-1390<br>(REV 7-05)   |  | U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE |  | ATTORNEY'S DOCKET NUMBER                           |  |
| TRANSMITTAL LETTER TO THE UNITED STATES<br>DESIGNATED/ELECTED OFFICE (DO/EO/US)<br>CONCERNING A FILING UNDER 35 U.S.C. 371  |  |   |  | 048501/287184                                      |  |
|   |  |   |  | U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) |  |
| INTERNATIONAL APPLICATION NO.   |  | INTERNATIONAL FILING DATE                               |  | PRIORITY DATE CLAIMED                              |  |
| PCT/AU03/000931   |  | July 22, 2003   |  | July 23, 2002                                      |  |
| TITLE OF INVENTION  |  |   |  |  |  |
| FRUIT AND/OR VEGETABLE DERIVED COMPOSITION  |  |   |  |  |  |
| APPLICANT(S) FOR DO/EO/US   |  |   |  |  |  |
| MCARTHUR, Thomas J.   |  |   |  |  |  |
| Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:   |  |   |  |  |  |
| <p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). This submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2))</p> <p>a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> has been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> A English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).</p> <p>a. <input type="checkbox"/> is attached hereto.</p> <p>b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))</p> <p>a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).</p> <p>b. <input type="checkbox"/> have been communicated by the International Bureau.</p> <p>c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.</p> <p>d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p> <p><b>Items 11. To 20. below concern document(s) or information included:</b></p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 C.F.R. 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A <b>FIRST</b> preliminary amendment.</p> <p><input type="checkbox"/> A <b>SECOND</b> or <b>SUBSEQUENT</b> preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input type="checkbox"/> Other items or information:</p> |  |   |  |  |  |

Rec'd PCT/PTO 06 JAN 2006

|   |              |   |   |   |    |
|---|--------------|---|---|---|----|
| U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.50)<br>10/521,380   |              | INTERNATIONAL APPLICATION NO.<br>PCT/AU03/000931                              |   | ATTORNEY'S DOCKET NUMBER<br>048501/287184 |    |
| <input type="checkbox"/> The following fees have been submitted:  |              |   |   |   |    |
| 21. <input type="checkbox"/> Basic national fee   |              |   |   |   |    |
| 22. <input type="checkbox"/> Examination fee<br>(If the written opinion prepared by ISA/US or the international preliminary examination report prepared by the IPEA/US indicates all claims satisfy provisions of PCT Article 33(1-4)) ..... \$ 0<br>All other situations..... \$200  |              |   |   |   |    |
| 23. <input type="checkbox"/> Search fee (37 CFR 1.492(b))<br>If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4) ..\$ 0<br>Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority ..... \$100<br>International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB ..... \$400<br>All other situations ..... \$500  |              |   |   |   |    |
| <b>TOTAL OF 21, 22 and 23</b> =   |              |   |   |   |    |
| <input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing filed in an electronic medium) (37 CFR 1.492(j))<br>The fee is \$250.00 for each additional 50 sheets of paper or fraction thereof.   |              |   |   |   |    |
| Total Sheets  | Extra Sheets | Number of each additional 50 or fraction thereof (round up to a whole number) | Rate  |   |    |
| - 100 =   | /50=         |   | x \$250   | \$  |    |
| Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration later the date of commencement of the national stage (37 CFR 1.492(h)).   |              |   |   | \$ 130.00                                 |    |
| CLAIMS  | NUMBER FILED | NUMBER EXTRA  | RATE  |   |    |
| Total Claims  | 0 -20 =      | 0   | X \$ 50.00  | \$ 0.00                                   |    |
| Independent Claims  | 0 - 3 =      | 0   | X \$200.00  | \$ 0.00                                   |    |
| MULTIPLE DEPENDENT CLAIM(S) (if applicable)   |              |   | + \$360.00  | \$  |    |
| <b>TOTAL OF ABOVE CALCULATIONS</b> =  |              |   |   | \$ 130.00                                 |    |
| <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.   |              |   |   | \$ 65.00                                  |    |
| <b>SUBTOTAL</b> =   |              |   |   | \$ 65.00                                  |    |
| Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).   |              |   |   | \$  |    |
| <b>TOTAL NATIONAL FEE</b> =   |              |   |   | \$ 65.00                                  |    |
| Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +  |              |   |   | \$  |    |
| <b>TOTAL FEES ENCLOSED</b> =  |              |   |   | \$ 65.00                                  |    |
| 01/17/2006 LLANDGRA 00000061 10521380<br>01 F :2617 65.00 DP  |              |   |   | Amount to be Refunded                     | \$ |
|   |              |   |   | Amount to be Charged                      | \$ |
| a. <input checked="" type="checkbox"/> A check in the amount of \$ 65.00 to cover the above fees is enclosed.<br>b. <input type="checkbox"/> Please charge my Deposit Account No. 16-0605 in the amount of \$ to cover the above fees.<br>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-0605.<br>Note: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137 (a) or (b)) must be filed and granted to restore the application to pending status. |              |   |   |   |    |
| SEND ALL CORRESPONDENCE TO:<br><br>SIGNATURE<br>REGISTRATION NUMBER 51,072<br>ALSTON & BIRD LLP<br>Bank of America Plaza<br>101 South Tryon Street, Suite 4000<br>Charlotte, NC 28280-4000<br>Tel Raleigh Office (919) 862-2200<br>Fax Raleigh Office (919) 862-2260<br>Customer Number 00826 RTA01/2196303v1   |              |   | "Express Mail" Mailing Label Number EV395777714US<br>Date of Deposit: January 6, 2006<br><br>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop PCT, Attn: DOA/US (PTO) Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.<br><br>Pamela Lockley |   |    |

Rec'd PCT/PTO 06 JAN 2008 NOV 09 2005



UNITED STATES PATENT AND TRADEMARK OFFICE

Received By *[Signature]*  
 UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

|   |   |                                   |
|---|---|-----------------------------------|
| U.S. APPLICATION NUMBER NO.<br>10/521,380 | FIRST NAMED APPLICANT<br>Thomas J. McArthur | ATTY. DOCKET NO.<br>048501/287184 |
|---|---|-----------------------------------|

|                               |
|-------------------------------|
| INTERNATIONAL APPLICATION NO. |
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PCT/AU03/00931

|                                |                             |
|--------------------------------|-----------------------------|
| I.A. FILING DATE<br>07/22/2003 | PRIORITY DATE<br>07/23/2002 |
|--------------------------------|-----------------------------|

00826  
 ALSTON & BIRD LLP  
 BANK OF AMERICA PLAZA  
 101 SOUTH TRYON STREET, SUITE 4000  
 CHARLOTTE, NC 28280-4000

CONFIRMATION NO. 2136

371 FORMALITIES LETTER



\*OC000000017341659\*

Date Mailed: 11/07/2005

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Indication of Small Entity Status
- Copy of the International Application filed on 01/18/2005
- Copy of the International Search Report filed on 01/18/2005
- Copy of IPE Report filed on 01/18/2005
- Preliminary Amendments filed on 01/18/2005
- Request for Immediate Examination filed on 01/18/2005
- U.S. Basic National Fees filed on 01/18/2005
- Priority Documents filed on 01/18/2005

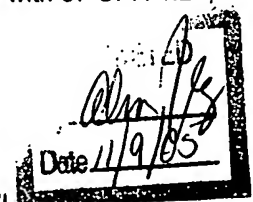
The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

#### SUMMARY OF FEES DUE:

Total additional fees required for this application is \$65 for a Small Entity:



ALSTON & BIRD  
 RTA  
 RECEIVED 11/10/05

• \$65 Surcharge.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN R MCLEAN

Telephone: (703) 308-9140 EXT 214

**PART 1 - ATTORNEY/APPLICANT COPY**

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/521,380                  | PCT/AU03/00931                | 048501/287184    |

FORM PCT/DO/EO/905 (371 Formalities Notice)